



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

UNIVERSITY OF PENNSYLVANIA

LAW REVIEW

AND

AMERICAN LAW REGISTER

VOLUME 63

1914-1915

PHILADELPHIA
THE LAW SCHOOL, UNIVERSITY OF PENNSYLVANIA
1915

**Copyrighted, 1914,
By the
UNIVERSITY OF PENNSYLVANIA.**

TABLE OF CONTENTS.

ARTICLES.

	Page.
ARE TITLES OF BOOKS COPYRIGHT?.....	<i>Herbert A. Howell</i> 646
BASIS OF THE PROPERTY RIGHT IN TRADE MARKS IN BRAZIL, THE.....	<i>Layton B. Register</i> 876
COMMON LAW RIGHT OF ACTION FOR OCCUPATIONAL DISEASE IN PENNSYLVANIA, THE	<i>Francis H. Bohlen</i> 183
Critical Survey of Certain Phases of Trial Procedure in Criminal Cases, A	<i>Howard A. Lehman</i>
CONTINUANCES	609
CUSTODY AND RESTRAINT OF DEFENDANT.....	616
PRESENCE OF DEFENDANT	619
PRESENCE OF JUDGE	628
LOST INDICTMENT	632
SWEARING THE JURY	754
VIEW BY THE JURY.....	757
JURORS TAKING NOTES DURING TRIAL	765
WHAT THE JURY MAY TAKE WITH THEM ON RETIRING.....	767
SEPARATION AND MISCONDUCT OF JURY.....	773
DEDICATION OF STREETS IN PENNSYLVANIA	<i>Roland R. Foulke</i> 247
DISCHARGE OF LIENS BY JUDICIAL SALE IN PENNSYLVANIA, THE.....	<i>Albert S. Bolles</i> 490
ELIMINATING ARCHAIC FEATURES OF EXECUTION PROCESS IN PENNSYLVANIA	<i>Shippen Lewis</i> 652
FEDERAL CONTROL OF INTRASTATE RAILROAD RATES	<i>Henry Wolf Biklé</i> 69
GERMAN FORWARDING AGENT, THE.....	<i>Dr. Martin Isaac</i> 305
JUDICIAL ADMINISTRATION.....	<i>Ezra Ripley Thayer</i> 585
JURISPRUDENCE OF THE WORKMEN'S COMPENSATION LAWS, THE.....	<i>P. Tecumseh Sherman</i> 823
LAW AND EQUITY IN UPPER CANADA.....	<i>John Delatre Falconbridge</i> I
MAINTENANCE OF UNIFORM RESALE PRICES, THE.....	<i>Charles L. Miller</i> 22
ORIGIN AND MONOPOLY RIGHTS OF ANCIENT FERRIES..	<i>Douglass D. Storey</i> 718
PUBLIC POLICY OF THE STATE OF PENNSYLVANIA, THE.....	<i>Graham C. Woodward</i> 84
REDUCTION TO PRACTICE OF PATENTABLE INVENTIONS..	<i>William Macomber</i> 353
RIGHT OF A LAND OWNER TO OIL AND GAS IN HIS LAND, THE.....	<i>John Stokes Adams</i> 471
SOME RESULTS OF THE PENNSYLVANIA PUBLIC SERVICE COMPANY LAW..	<i>C. LaRue Munson</i> 364
STUDIES IN ENGLISH CIVIL PROCEDURE.....	<i>Samuel Rosenbaum</i>
I. THE ATMOSPHERE	105
II. THE RULE-MAKING AUTHORITY.....	151, 273, 380, 505

TABLE OF CONTENTS

	Page.
SUPPOSED CHAOS IN THE LAW OF NATIONS, THE.....	<i>T. Baty</i> 703
UNIFORM PARTNERSHIP ACT, THE.....	<i>James B. Lichtenberger</i> 639
UNIFORM PARTNERSHIP ACT, WITH SOME REMARKS ON OTHER UNIFORM COMMERCIAL LAWS	<i>Samuel Williston</i> 196

BOOK REVIEWS.

	Page
AMERICAN DOCTRINE OF JUDICIAL SUPREMACY, THE.....	<i>Charles Grove Haines</i> 245
BARTOLUS ON THE CONFLICT OF LAWS..... (<i>Translated by Joseph Henry Beale</i>)	583
BOUVIER'S LAW DICTIONARY, THIRD REVISION.....	<i>Francis Rawle</i> 351
CASES ON CONSTITUTIONAL LAW.....	<i>James Parker Hall</i> 148
CHANGING ORDER, THE.....	<i>George W. Wickersham</i> 245
CONSTITUTIONAL LAW OF ENGLAND.....	<i>Edward Wavell Ridges</i> 818
CRIMINOLOGY.....	<i>Baron Raffaele Garofalo</i> 149
DOCTRINE OF JUDICIAL REVIEW, THE.....	<i>Edward S. Corwin</i> 467
ELEMENTARY TREATISE ON THE JURISDICTION AND PROCEDURE IN THE FEDERAL COURTS, AN	<i>John C. Rose</i> 583
ESSENTIALS OF THE LAW, VOLUME I. BLACKSTONE'S COMMENTARIES..... (<i>Edited by Marshall D. Ewell</i>)	914
EVIDENCE IN THE CASE, THE.....	<i>James M. Beck</i> 467
FORMAL BASES OF LAW, THE..... (<i>Translated by John Lisle</i>)	818
GERMAN LEGISLATION FOR THE OCCUPIED TERRITORY OF BELGIUM..... (<i>Edited by Charles Henry Huberich and Alexander Nicol-Speyer</i>)	699
GOOD WILL, TRADE MARKS AND UNFAIR TRADING.....	<i>Edward S. Rogers</i> 819
HANDBOOK OF THE LAW OF MUNICIPAL CORPORATIONS..	<i>Roger W. Cooley</i> 467
HISTORY OF FRENCH PUBLIC LAW, A..... (<i>Translated by James W. Garner</i>)	584
INDIVIDUAL DELINQUENT, THE	<i>William Healy, M. D.</i> 700
JUSTICE AND THE MODERN LAW.....	<i>Everett V. Abbott</i> 150
LEGAL LORE OF THE BENCH AND BAR OF DELAWARE COUNTY..... (<i>Edited by Alexander B. Geary</i>)	67
LEGAL PRINCIPLES OF PUBLIC HEALTH ADMINISTRATION..... <i>Henry Bixby Hemenway, M. D.</i>	468
LIMITATIONS ON THE TREATY-MAKING POWER..	<i>Henry St. George Tucker</i> 820
LAW AND PRACTICE IN BANKRUPTCY UNDER THE NATIONAL BANKRUPTCY ACT OF 1898, THE (TENTH EDITION).....	<i>William Miller Collier</i> 701
LAW OF WILLS AND ADMINISTRATION OF ESTATES, THE.....	<i>William P. Borland</i> 914
OUTLINES OF INTERNATIONAL LAW.....	<i>Charles H. Stockton</i> 351
PRICE ACT RELATING TO REAL ESTATE IN PENNSYLVANIA, THE..... <i>Roland R. Foulke</i>	469
PRINCIPLES OF CORPORATION LAW (SECOND EDITION)....	<i>Joseph C. France</i> 67
PROCEEDINGS OF THE ILLINOIS STATE BAR ASSOCIATION..... (<i>Edited by John F. Voigt</i>)	400
RECOLLECTIONS OF BENCH AND BAR.....	<i>Viscount Alverstone, G. C. M. G.</i> 915

	Page
REPORTS OF THE AMERICAN BAR ASSOCIATION, VOLUME XXXIX	
(<i>Edited by W. Thomas Kemp</i>)	701
RIGHTS AND REMEDIES OF CREDITORS RESPECTING THEIR DEBTOR'S PROPERTY	<i>Garrard Glenn</i> 821
SUPPLEMENT TO A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, CONTAINING THE STATUTES AND JUDICIAL DECISIONS 1904-1914, A	<i>John Henry Wigmore</i> 916
TREATISE ON ATTORNEYS-AT-LAW, A.....	<i>Edward M. Thornton</i> 245
TREATISE ON THE LAW OF INCOME TAXATION, A (SECOND EDITION).....	<i>Henry Campbell Black</i> 352
WORKMEN'S COMPENSATION AND STATE INSURANCE LAW.....	
(<i>Harry B. Bradbury</i>)	66

INDEX.

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

A.	B.
ACCORD AND SATISFACTION.	Unregistered automobile on highway—Negligence 60
Compromise of disputed claims 230	Unregistered motor cycle on highway—Negligence 147
Liquidated demand—Payment of less amount by third party 449	Violation of ordinance limiting speed 60
ADMIRALTY.	B.
The Titanic—Limitation of liability 133	BAILMENT.
ADVERSE POSSESSION.	Denial of title 144
Mistaken boundary 682	Liability of inn-keeper—Trunk sent in advance of guest 336
Municipal corporations 461	Expenses—Ordinary and extraordinary repairs 565
Purchase of outstanding title 801	
Right of way 144	
AGENCY.	BANKRUPTCY.
Knowledge of agent—When imputed to principal 564	Landlord and tenant—Forfeiture 141
Liability of automobile owner for negligence of chauffeur furnished by third party 130	Sale of property by trustee—Dower interest of wife 214
Liability of principal for over-officious servant 801	
Ratification 143	
Sale by agent to himself— <i>Bona Fides</i> 564	
ANTI-TRUST ACT.	BILLS AND NOTES.
Combination in restraint of trade 315	Collateral security for antecedent debt 450
ATTORNEY AND CLIENT.	Corporations—Power of president to issue 684
Conflicting employment 449	Corporations—Power to act as accommodating endorser 39
Disbarment—Non-Professional misconduct 49	Endorsement—Guarantee endorsed on note 229
AUSTRIA.	Forgery—Doctrine of Price v. Neale 682
The Workmen's Compensation Law 860	Holder in due course—Burden of proof 802
AUTOMOBILES.	Intoxication of maker—Affirmance 336
Liability of owner for negligence of chauffeur furnished by third party 130	Persons liable as makers 683
	Usury 802
	Usury as a defense 565
	BREACH OF PROMISE TO MARRY.
	What constitutes 450
	BOYCOTT.
	When legal 113
	Contracts—Conspiracy 51

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

BRAZIL.

Property rights in trademarks 876

C.**CARRIERS.**

Act of God—Proximate cause 49
 Carriage of live stock—Burden of proof 451
 Discrimination—Extension of credit 430
 Discrimination—Rates 217
 Discrimination—Supply of cars 787
 Duty to collect passenger fares as filed in tariff 689
 The German forwarding agent 305
 Carriers' lien—Stoppage in transitu—The commercial court 665
 Limited liability—Baggage 337
 Loss of goods—No declaration of value 85
 Passengers—Pass 49
 Federal control of intra-state railroad rates 69
 State regulation of railroad rates—Segregation 551

CHAMPERTY AND MAINTENANCE.

Elements 797

CHARITIES.

Erection of monument as a charity 226
 Liability of charitable institutions for torts 50

CONFLICT OF LAWS.

Contracts—What law governs 50
 Extra-territorial effect of decree of divorce 438
 Torts—"Lord Campbell's Act" 670

CONSTITUTIONAL LAW.

Application of the Seventh Amendment to cases under Federal Employers' Liability Act 116
 Civil rights—Equal privileges 908
 Commerce clause—Restraint upon commerce 433

Deprivation of liberty 229
 Eugenics marriage law—Police power 136
 Former jeopardy—Same offense 55
 Freedom of contract—Labor union 566
 Impairing contractual obligations—Revoking unexercised franchises 452
 Incrimination—Testimony before Grand Jury 554
 Interstate commerce—Federal control of intrastate railroad rates 69
 Interstate commerce—Webb-Kenyon Act 791
 Police power—Regulation and fixing of rates 119
 Right to trial by jury—Judgment N. O. V. 58, 585
 Segregation ordinance 895
 State regulation of railroad rates—Segregation 551

CONTRACTS.

Accord and satisfaction—Liquidated demand 449
 Accord and satisfaction—Compromise of disputed claim 230
 Breach of promise to marry—What constitutes 450
 Conflict of laws—What law governs 50
 Consideration 51, 567
 Consideration—Moral obligation 53
 Conspiracy—Boycott 51
 Covenants—Mistake of law 685
 Illegality 683
 Illegality—Relief 338
 Infancy—Effect of knowledge of guardian 452
 Meeting of the minds 52
 Moral obligation 53
 Mutuality of obligation 338
 Partial performance—Impossibility of completion 135
 Release or covenant not to sue 794
 Promise to answer for debt of another 136, 230
 Promise to answer for debt of another—Mechanics' lien 339

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

RESCISSION FOR FRAUD.	
Restitution	453
Statute of frauds—Parole lease of realty	812
Statute of frauds—Promise to answer for the debt of another	136, 230
Statute of frauds—Promise to answer for debt of another— Mechanics' lien	339
Third party's rights	53
Waiver of defence of statute of limitations—Public policy	136
COPYRIGHT.	
Abridgment of copyrighted books	898
Titles of books	646
CORPORATIONS.	
Municipal corporations— Adverse possession	461
Municipal corporations— Liability for excavation near highway	464
Municipal corporations— Statutory liability for mob violence	814
Powers of president to issue negotiable paper	684
Power to act as accommo- dating endorser	39
Public service corporations— Liability of water company in case of fire	676
Public service corporations— Electric street lighting by municipality — Approval of Public Service Commis- sion	578
Public service corporations— Municipal acquisition under charter terms	693
Public service corporations— Pennsylvania public service company law—Some results	364
Right of stockholder to inspect books	567
Similarity of names	54
COVENANTS.	
Mistake of law	685
CRIMINAL LAW.	
Accomplice—What consti- tutes	55
Accomplices	685
ADULTERY.	686
Adultery—Connivance of husband	686
Assault—Excessive speed of automobile	803
Attempted suicide	133
Burglary—What constitutes breaking	49
Defences—Insanity	231
False pretenses—Worthless cheque	134
Former jeopardy—Same offence	55
Homicide—Operation of automobile	320
Larceny—Ownership of property	56
Larceny—Mislaid property	908
Larceny—Oysters	56
Perjury—Sufficiency of evidence	134
Presumption of innocence— Insanity	340
Prostitution	803
Prostitution—Federal White Slave Act	326
Sale of intoxicating liquors— Social club	568
CRIMINAL PROCEDURE.	
Conduct of prosecuting attorney	569
Continuances	609
Custody and restraint of defendant	616
Extradition—Sufficiency of papers	123, 454
Jurors—Taking notes during trial	765
Lost indictment	632
Misconduct of court—Absence of prejudice	231
Misconduct of jury	340
Misconduct of jury— Separation	773
Presence of judge	628
Presence of defendant	619
Right to appeal—Waiver by payment of fine	454
Swearing the jury	754
Variance	804
View by the jury	757
What the jury may take with them on retiring	767
D.	
DAMAGES.	
Excessive damages as grounds for new trial	806

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Mental anguish—Delay in transmission of message	137, 569	ENGLAND.		
Negligence—Fright	58	Civil procedure—The atmosphere	105	
Trover and Conversion—Measure of damages	243	Civil procedure—The rule making authority	<i>151, 273, 380, 505</i>	
Penalty or liquidated damages	220	The Workmen's Compensation Law	852	
DECEDENT'S ESTATES.				
Executors—Stock	804	EQUITY.		
DECEIT.			Injunction—Criminal proceedings	574
Fraud—Fiduciary relationship	559	Injunction—Libel	236	
Fraud—Investigation of Facts—Report	232	Injunction—Nuisance—Hospital	61	
Fraud—Reliance on false representation	233	Injunction—Protection of inchoate right of dower	455	
DEEDS.			Injunction—Wrongful use of name and picture	805
Release or covenant not to sue	794	Libel—Remedy	236	
DESCENT.			Rise of equity in Upper Canada	1
Effect of murder by heir	435	Specific performance—Consideration	242	
DIVORCE.			Specific performance—Contract not to alter will	811
Extra-territorial effect of decree of divorce — Jurisdiction	438	Specific performance—Mutuality	903	
DOWER.			Specific performance—Real estate—Doubtful title	811
Protection of inchoate right	455	Specific performance—Refusal of wife to join in deed	346	
Sale of property by trustee in bankruptcy	214	EVIDENCE.		
E.			Admissibility in a civil suit of testimony given at a previous criminal trial	556
EASEMENTS.			Admissions—Parties jointly interested	456
Extent of right of owner of easement	463	Admissions—Silence	233	
Implied easements—Way by necessity	692	Ancient documents—Suspicious circumstances	570	
EMINENT DOMAIN.			Confessions—Voluntary character	570
New taking—Subway	687	Disclosure to and examination by physician—Statutory protection to patient—Waiver of privilege	571	
EMPLOYERS' LIABILITY ACTS.			Declarations against interest	908, 909
See Workmen's Compensation Acts.		Dying declarations	57, 234	
		Error in ruling on evidence as basis for new trial	603	
		Finger prints—Photographic reproductions	909	
		Hospital records	137	

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Judicial notice—Local option election	688	Canada—Law and equity in Upper Canada	<i>1</i>
Other offences	138, 910	England—The British Workmen's Compensation Law	852
Other offences—Bribery	341	England—Civil procedure—The atmosphere	105
Parol evidence rule	688	England—Civil procedure—The rule-making authority	151, 273, 380, 505
Physical examination of person injured	341, 911	France—The Workmen's Compensation Law	841
Presumptions	689	Germany—The German forwarding agent	305
Presumptions—Character	572	Germany—The Workmen's Compensation Law	855
Presumptions—Death after absence	235	The jurisprudence of the Workmen's Compensation Laws	823
Presumptions—Holder in due course	802		
Presumptions—Undue influence	342		
Prior and subsequent acts	235		
Privileged communications—Physicians	911		
Res Gestae	139, 342		
Statement in presence of accused	343		
Trailing by blood-hounds	42		
Value of land—Other sales of similar property	456		
EXECUTORS AND ADMINISTRATORS.			
Liability for depreciation of stock	804	The Workmen's Compensation Law	841
F.			
FALSE IMPRISONMENT.			
Detention in coal mine	573		
When process protects officer	457		
FEDERAL EMPLOYERS' LIABILITY ACT.			
Action for benefit of non-resident alien	573		
"Dependent"	457		
When is servant engaged in interstate commerce	458, 900		
FERRIES.			
Interstate commerce—State regulation	127		
Origin and monopoly rights of ancient ferries	718		
FOREIGN LAW.			
Austria—The Workmen's Compensation Law	860		
Brazil—Property rights in trade-marks	876		
FRANCE.			
FRAUD AND DECEIT.			
Fiduciary relationship—Derry v. Peek criticised	559		
Investigation of facts—Report	232		
Reliance on false representation	233		
FRAUDULENT CONVEYANCES.			
Husband and wife	805		
Subsequent purchasers	574		
G.			
GERMANY.			
The German forwarding agent	305		
The Workmen's Compensation Law	855		
GIFTS.			
Child as subject of gift	140		
Choses in action	345		
Husband and wife—Community property	810		
H.			
HABEAS CORPUS.			
Power of court to summon jury	912		

INDEX

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

HUSBAND AND WIFE.

Annulment of marriage—	
Fraud concerning health	460
Community property—	
Gifts	810
Fraud on marital rights	44
Fraudulent conveyance	805
Marriage—Evidence	690

I.**INFANTS.**

Infant trespasser—	
Negligence	691
Liability for fraudulent misrepresentation of age	323
Contracts—Effect of knowledge of guardian	452

INJUNCTION.

Criminal proceeding	574
Libel	236
Nuisance—Hospital	61
Protection of inchoate right of dower	455
Wrongful use of name and picture	805

INTERNATIONAL LAW.

The supposed chaos in the law of nations	703
--	-----

INTERSTATE COMMERCE.

Anti-Trust Act—Combination in restraint of trade	315
Discrimination—Extension of credit	430
Discrimination—Rates	217
Discrimination—Supply of cars—Jurisdiction	787
Duty of carrier to collect passenger fares as filed in tariff	689
Federal control of intrastate railroad rates	69
Federal Employers' Liability Act—Action for benefit of non-resident alien	573
Federal Employers' Liability Act—"Dependent"	457
Federal Employers' Liability Act—When is servant engaged in interstate commerce	458, 900
Loss of goods—No declaration of value	85

Maintenance of uniform resale prices	22
Prostitution—White Slave Act	326
Recovery for overcharges—Jurisdiction	343
Restraint upon interstate commerce	433
State regulation—Ferries	127
Subjects of interstate commerce—Stocks and bonds	344
Webb Kenyon Act—Constitutionality	791

J.**JUDGMENT.**

Res adjudicata	140
----------------	-----

JURORS.

Challenges	141
Misconduct of jury	340
Misconduct—Separation	773
Misconduct—Unauthorized view	57
Swearing the jury	754
Taking notes during trial	765
View by the jury	757
What the jury may take with them on retiring	767

JURY.

Power of court to summon in habeas corpus	911
Right to trial by jury—Judgment N. O. V.	58, 585

L.**LANDLORD AND TENANT.**

Defective steps—Liability for injury	806
Destruction of premises	912
Forfeiture—Bankruptcy	141

LAW OF NATIONS.

See International Law.

LAW SCHOOL.

Death of John Lisle	895
The new academic year	893
The order of the coif—Elections	665

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

LEGAL ETHICS.

Attorney and client—	
Conflicting employment	449
Champerty and Maintenance—	
Elements	797
Non-professional misconduct	49

LIBEL.

Elements—Conditional privilege	575
Portraits—Good faith	690
Remedy in equity	236

LICENSES.

Necessity under Pennsylvania liquor laws	673
Revocable or irrevocable—	
theatre tickets	223

M.**MALICIOUS PROSECUTION.**

Elements	237
Want of probable cause—	
Advice of counsel	459

MANDAMUS.

Right of stockholder to inspect books of corporation	567
Right to issuance of writ	575

MARRIAGE.

Annulment—Fraud concerning health	460
Evidence—Intent	690

MASTER AND SERVANT.

Contributory negligence—	
Choice of ways	691
Liability of automobile owner for negligence of chauffeur furnished by third person	130
Test for vice principal	142

MINES AND MINING.

Detention in mine—False imprisonment	573
Mine ore—Personalty or realty	62
The right of a land owner to the oil and gas in his land	471

MUNICIPAL CORPORATIONS.

Adverse possession	461
--------------------	-----

Liability for excavation near highway	464
Statutory liability for mob violence	814

N.**NAMES.**

Corporations—Similarity	54
Requisites	576

NEGLIGENCE.

Child trespasser	691
Contributory negligence—	
Burden of proof	237
Damages—Fright	58
Imputed negligence	62
The doctrine of the "Last Clear Chance"	462
Liability of automobile owner for negligence of chauffeur	130
Liability of landlord for defective steps	806
Liability of water company in case of fire	676
Proximate cause—Act of God	49
"Res Ipsa Loquitur"	59
Theatre—Defective guard rail	142
Unregistered automobile on highway	60
Unregistered motorcycle on highway	147
Violation of ordinance limiting speed	60

NEW TRIAL.

Excessive damages	806
Misconduct of counsel—	
Allusion to insurance	807
Separation of issues	808

NUISANCE.

Blasting	692
Hospital	61
Keeping explosives	576
Stable	238

P.**PARTIES.**

Alien enemy	808
Seduction—Who entitled to sue	240

PARTNERSHIP.

Liability in tort of person held out as partner	462
---	-----

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

The uniform partnership act	639	Account stated	577
The uniform partnership act—With some remarks on other uniform commercial laws	196	English civil procedure—The atmosphere	105
PATENTS.		English civil procedure—The rule-making authority	151, 273, 380, 505
Reduction to practice of patentable inventions	353	Executions—Trust estate	143
PENNSYLVANIA.		Holding court on Sunday	812
The common law right of action for occupational disease	183	Judicial administration	585
Dedication of streets	247	Parties—Alien enemy	808
The discharge of liens by judicial sale	490	Writ of prohibition—Issuance	809
Eliminating archaic features of execution process	652	PROHIBITION.	
Liquor laws—Retail licenses	673	Issuance of writ	809
Public policy	84	PROPERTY.	
Public Service Company Law—Municipal acquisition of water company	693	Adverse possession—Mistaken boundary	682
Public Service Company Law—Municipal electric street lighting	578	Adverse possession—Municipal corporations	461
Public Service Company Law—Some results	364	Adverse possession—Purchase of outstanding title	801
Uniform partnership act	639	Adverse possession—Right of way	144
PLEADING.		Bailment—Denial of title	144
Amendment—Discretion	61	Bailment—Liability of inn-keeper for trunk sent in advance of guest	336
Misspelling	808	Bailment—Liability for repairs	565
Objection to evidence on ground of insufficient statement	345	Dedication of streets in Pennsylvania	247
Res judicata	238	Easements—Extent of right of owner of easement	463
PRACTICE.		Fixtures—Temporary structure	239
The discharge of liens by judicial sale in Pennsylvania	490	Fraudulent conveyances—Husband and wife	805
Eliminating archaic features of execution process in Pennsylvania	652	Fraudulent conveyances—Subsequent purchasers	574
PRINCIPAL AND AGENT.		Gifts—Child as subject of gift	140
See Agency.		Gifts—Community property of husband and wife	810
PRINCIPAL AND SURETY.		Gifts—Choses in action	345
See Suretyship.		Highways—Abandonment	912
PROCEDURE.		Implied easements—Way by necessity	692
The Commercial Court	665	Liens—Discharge by judicial sale in Pennsylvania	490
		Mine ore—Personalty or realty	62
		Property rights in trade mark in Brazil	876
		Religious societies—Title	695
		The right of a land owner to	

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

oil and gas in his land	471	RATES.	
Right of way—Gate	578	Discrimination by carrier	217
Stock exchange seat	693	Duty of carrier to collect	
Waters—Right to protect		passenger fares as filed in	
against flood waters	678	tariff	689
Waters—Surface water	63	Interstate commerce—Federal	
		control of intrastate rates	69
PUBLIC POLICY.		Regulation in fixing	119
The public policy of		State regulation of ferries	127
Pennsylvania	84	State regulation of railroad	
PUBLIC SERVICE		rates—Segregation	551
CORPORATIONS.			
Electric street lighting by		RELIGIOUS SOCIETIES.	
municipality—Approval of		Property—Title	695
Public Service			
Commission	578	S.	
Pennsylvania Public Service			
Company law—Some		SALES.	
results	364	Appropriations	562
Water companies—Municipal		Breach of warranty—	
acquisition under charter		Waiver	239
terms	693	Carrier's lien—Stoppage in	
Liability of water company in		transitu	665
case of fire	676	Cash sale—Failure to receive	
		cash on delivery of goods	240
Q.		Conditional sale—Remedies of	
QUASI CONTRACTS.		seller—Election	695
Recovery for part performance		“Exchange” distinguished from	
—Plaintiff in default	694	“sale”	913
R.		Nature of the right of	
RAILROADS.		inspection	329
Carriage of live stock—Burden		Rights of bona fide	
of proof	451	purchasers	810
Discrimination—Extension of		Warranty—Effect of	
credit	430	description	145
Discrimination—Rates	217		
Discrimination—Supply of		SCHOOLS.	
cars	787	Dismissal of teacher—What is	
Duty to collect passenger fares		neglect of duty	241
as filed in tariff	689		
Interstate commerce—Federal		SEDUCTION.	
control of intrastate railroad		Who entitled to sue	240
rates	69		
Interstate commerce—Loss of		SPECIFIC PERFORMANCE.	
goods—No declaration of		Consideration—Adequacy	242
value	85	Contract not to alter will	811
Limited liability—Baggage	337	Mutuality	903
Passengers—Pass	49	Real estate—Doubtful title	811
Rates—Federal control of		Refusal of wife to join in	346
intrastate rates	69		
Rates—State regulation—		STATUTE OF FRAUDS.	
Segregation	551	Constructive trusts	815
		Lease of realty	812
		Promise to answer for debt	
		of another	136, 230

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Promise to answer for debt of another—Mechanics' lien	339	SUNDAY.
Trusts arising by operation of law	580	Holding court on Sunday 812
STATUTE OF LIMITATIONS.		SURETYSHIP.
Waiver of as defense to con- tract claim—Public policy	136	Judgment against principal— Res Judicata 346
STATUTES.		T.
Conflict of laws—"Lord Campbell's Act"	670	
Federal judicial code—Appeals in the Supreme Court of the United States—When the federal right is affirmed	459	TELEGRAPH COMPANIES.
Municipal corporations—Li- ability for mob violence	814	Delay in transmission of message—Damages 137, 569
Pennsylvania—Liquor laws— Retail license—Necessity	673	Delivery of forged telegram— Liability to addressee 243
Pennsylvania public service company law—Approval of Public Service Commis- sion	578	THEATRES.
Pennsylvania public service company law—Some results	364	Defective guard rail— Negligence 142
Pennsylvania public service company law—Water com- panies	693	Tickets—Revocable or irrevocable 223
Segregation ordinance— Constitutionality	895	
Statute of frauds—Construc- tive trust	815	TORTS.
Statute of frauds—Lease of realty	812	Act of God—Proximate cause 49
Statute of frauds—Promise to answer for debt of another	136, 230	Boycott—When legal 113
Statute of frauds—Promise to answer for debt of another— Mechanics' lien	339	The common law right of action for occupational dis- ease in Pennsylvania 183
Statute of frauds—Trusts aris- ing by operation of law	580	Conflict of laws—"Lord Campbell's Act" 670
Statutes of limitations— Waiver of—Public policy	136	Contributory Negligence— Burden of proof 237
The Uniform Partnership Act	639	Damages—Fright 58
The Uniform Partnership Act, with some remarks on other uniform commercial laws	196	Duty of owner of vicious domestic animal 146, 463
Violation of ordinance limiting speed—Negligence	60	False imprisonment—Deten- tion in coal mine 573
Webb-Kenyon Act—Con- stitutionality	791	False imprisonment—When process protects officer 457

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Liability of charitable institutions	50
Liability of municipality for excavation near highway	464
Liability of person held out as partner	462
Liability of water company in case of fire	676
Libel—Conditional privilege	575
Libel—Portraits	690
Libel—Remedy in equity	236
Malicious prosecution—elements	237
Malicious prosecution—Want of probable cause	459
Master and servant—Contributory negligence	691
Master and servant—Test for vice principal	142
Negligence—Child trespasser	691
Negligence—Liability of landlord for defective steps	806
Negligence—"Res Ipsa Loquitur"	59
Negligence—Unregistered automobile on highway	60
Negligence—Unregistered motor cycle on highway	147
Negligence—Violation of ordinance limiting speed	60
Nuisance—Blasting	692
Nuisance—Hospital	61
Nuisance—Keeping explosives	576
Nuisance—Stable	238
Proximate and remote cause—Intervening acts of a third person	442
Rule in Rylands v. Fletcher—Explosives	347
Rule in Rylands v. Fletcher—Water mains	348
Seduction—Who entitled to sue	240
Statutory liability of municipality for mob violence	814
Trover and Conversion—Elements	813
Trover and Conversion—Measure of damages	243
Unregistered automobile on highway	60
Unregistered motor cycle on highway	147

TRADE-MARKS.	
Property rights in trade-marks in Brazil	876
TRADE NAMES.	
Names of celebrated men	813
TROVER AND CONVERSION.	
Elements	813
Measure of damages	243
TRUSTS.	
Constructive trusts	815
Constructive trusts—Statute of frauds	580
Creation—Pecatory words	348
Designation of attorney	464
Enforcement—Lapse of time	349
Erection of monument as a charity	226
Ownership of proceeds of draft	816
Pecatory words—Absolute gift	63
Resulting trust	696
Revocation	816
Statute of frauds—Trusts arising by operation of law	580
Tentative trusts—Deposit in bank	349
Termination—Purpose accomplished	244
V.	
VENDOR AND PURCHASER.	
Conveyance to third parties subject to option	244
W.	
WATERS.	
Right to protect against flood waters—Urban property	678
Surface water	63
WILLS.	
Construction—"Children"	696
Dependent relative revocation	46
Descent—Effect of murder by heir	435
Designation of attorney—Gift	464
Implication of cross-remainders	697

References in plain type are to RECENT CASES, in heavy type to NOTES, and in italicized type to ARTICLES.

Omission of defamatory words from probate	581	efit of non-resident alien	573
Revocation—Cancellation	697	Federal Act—"Dependent"	457
Rule in Shelley's Case	64	Federal Act—When is servant engaged in interstate commerce	458, 900
WORKMEN'S COMPENSA- TION ACTS.		Injury from violence of third person	581
Application of the Seventh Amendment of the Constitu- tion	116	Injury occurring "In the course of" and arising "out of" the employment	350
The common law right of action for occupational dis- ease in Pennsylvania	183	The jurisprudence of the Workmen's Compensation Laws	823
Federal Act—Action for ben-		Occupational disease	147